

Bakersfield Police Department

Chief of Police, Lyle D. Martin



**Internal Affairs
Annual Statistical Report
2018**



Our Mission

The Bakersfield Police Department
partners with our community to protect
the lives and property of the people we serve.

Our Values

Compassion • Accountability • Professionalism

MESSAGE FROM THE CHIEF OF POLICE – LYLE D. MARTIN



As your Police Chief, I take very seriously the responsibility of protecting the lives and property of the citizens of Bakersfield. In order to carry out this responsibility, it is imperative that the citizens of our community have a high degree of confidence in their police department. Bakersfield Police officers are among the best trained and highly educated officers in our state. We take pride in our profession and want you, the citizens of Bakersfield, to share this pride. Police officers are human and may, from time to time, act in a manner that is not consistent with our policies or our values and not in the best interest of our community. When there is a complaint about an officer or our processes, we will thoroughly and expeditiously investigate the matter and communicate with you our findings.

DEFINITION OF CITIZEN

The term “Citizen,” used throughout this document and all policy and procedures within the Bakersfield Police Department, refers to “any person” members of the Bakersfield Police Department come in contact with regardless of immigration status. The Bakersfield Police Department enforces state and local laws.

INTERNAL AFFAIRS DETAIL

Internal Affairs provides direct assistance and support to the Chief of Police. The Detail investigates allegations of misconduct against police personnel, critical incidents, claims for damages against the Bakersfield Police Department, and provides investigative assistance to the City Attorney’s Office. Often times, Internal Affairs disseminates information to the media and the public through inquiries and presentations on Department policies and procedures.

The Internal Affairs Detail is comprised of one lieutenant, one sergeant, four detectives, and one secretary. They report directly to the Chief of Police.

COMPLAINTS

How to File a Complaint

If you wish to file a formal complaint, you may come to the Bakersfield Police Department where you will be asked to fill out a Citizen Complaint Form. Complaints may also be made by telephone, online through our website, by mail, and anonymously. Anonymous complaints will be investigated to the best of our ability. All information will be treated as confidentially as the law requires. Assistance is available if you need help completing the form. A parent or guardian’s signature is required on any complaint filed by a person under eighteen (18) years of age.

How the Complaint is handled

Complaints of misconduct will be taken by the Internal Affairs Detail, a watch commander, sergeant, or officer of higher rank than the accused employee. If, after a discussion of the problem, you wish to make a formal complaint, you will be assisted by formalizing your complaint in writing. The complaint will then be referred to Internal Affairs investigators for investigation.

STATISTICS

In 2018, Bakersfield Police Department handled 273,165 calls for service; 247,451 **9-1-1** calls and 765,934 total phone calls. These documented contacts do not include meetings and events with various community organizations, schools and service providers.

Internal Affairs Investigation Type	Total
Citizen Complaints	49
Internal Investigations	22
Division Discipline	33
Total IA Investigations	104

Disciplinary Actions Against Officers	Total
Re-training	2
Counseling	28
Written reprimand	33
Suspension	18
Demotion	1
Resigned	0
Termination	3
Total	85

Status (All Types Combined)	Count
Open	11
Sustained	52 *
Not sustained	7
Unfounded	26
Withdrawn	6
Exonerated	0
File Only	2
* 33 of the 52 sustained were Division Discipline.	

**Disciplinary actions that occurred in 2018 regardless of incident received date or IA involvement.*

Status Definitions

- ♦ **Open** – an investigation which is still active.
- ♦ **Sustained** – When the investigation discloses sufficient evidence to establish that the act occurred and it constituted misconduct.
- ♦ **Not sustained** – When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.
- ♦ **Unfounded** – When the investigation discloses that the alleged act did not occur or did not involve department personnel. Complaints which are determined to be frivolous will fall within this classification as unfounded (Penal Code 832.5).
- ♦ **Withdrawn** – When the complainant retracts their complaint before or during the investigation.
- ♦ **File only** – When an internal investigation is filed for documentation purposes only.
- ♦ **Exonerated** – When the investigation disclosed that the alleged act occurred but that the act was justified, lawful and/or proper.

Most common types of complaints for 2018 *(Some complaints have multiple accusations.)*

Discourteous Treatment

Careless Workmanship

Excessive Force

Unsatisfactory Work Performance

Complaint Type Definitions

- ♦ **Discourteous treatment** – Discourteous, disrespectful, or discriminatory treatment of any member of the public or any member of this department.
- ♦ **Careless Workmanship** – Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.
- ♦ **Excessive force** – The term excessive force is not precisely defined; however, the use of force greater than that which a reasonable and prudent law enforcement officer would use under the circumstances is generally considered to be excessive.
- ♦ **Unsatisfactory Work Performance** – Unsatisfactory work performance, including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or **carrying out** proper orders, work assignments, or instruction of supervisors without a reasonable and bona fide excuse.

USE OF FORCE

In 2018, there were 559 Use of Force incidents involving 1146 officers. Within each of these incidents, there may have been one or more officers using one or more types of force resulting in the below data.

Type of Force Applied			
Type of Force	Total	Type of Force	Total
40 mm launcher	7	Flex Cuff	1
Aerosol Weapon	14	Foot Strike	15
Baton/ASP	108	Hobble	48
Baton-Impact weapon	1	Improvised Weapon	4
Body Weight	621	Knee Strike	82
Canine	44	Palm Strike	12
Carotid Control Tech	6	Safe Restraint	5
Control Hold	864	Suspect Force/Momentum	59
Elbow Strike	28	SWAT Weapon	3
Fist Strike	105	Takedown	188
Firearm Fired at Suspect	3	Taser	108

Citizen Arrested		Citizen Injured		Citizen Taken to Hospital	
No	34	No	234	No	314
Yes	<u>525</u>	Yes	<u>325</u>	Yes	<u>245</u>
Total	559	Total	559	Total	559

Charges Against Involved Citizens		Reason for Use of Force		Type of Service Rendered at the Time of Use of Force	
Crimes against Persons	123	Necessary to Defend Another	12	Arrest Warrant	14
Domestic Violence	38	Necessary to Defend Self	83	Assist Other Agency	9
Foot Pursuit	70	Necessary to Detain	55	Call for Service	377
Narcotics	49	Necessary to Effect Arrest	354	Detective Follow Up	7
Parole	26	Prevent Escape	20	Felony Stop	8
Probation	5	To Prevent Violent Crime	2	None	1
Property Crimes	132	To Restrain-Subject Safety	24	Parole Search	1
Resisting Arrest *	230	W&I 5150	9	Probation Search	2
UTI	121			Search Warrant	4
Vehicle Pursuit	27			Self-Initiated Activity	86
W&I 5150	25			Traffic Stop	50
Warrant	72				
Weapons	30				
Total	948	Total	559	Total	559

*(when others do not apply)

CASE LAW

Use of Force Case Law

Graham v. Connor, United States Supreme Court (490 U.S. 386, 1989) - This case deals with the legal aspects for using force in the course of affecting an arrest, investigatory stop or other seizure of a free citizen.

The Fourth Amendment "reasonableness" inquiry is whether the officers' actions are "objectively reasonable" in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation. (Pp. 490 U. S. 396-397.)

Use of Deadly Force Case Law

Tennessee v. Garner, United States Supreme Court (471 U.S. 1985) - This case deals with the legal aspects of a law enforcement officer using deadly force against a fleeing felon.

The court found that an officer may use deadly force to prevent an escape by a violent fleeing felon, only if "the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others."

Detaining and Searching a Person Case Law

Terry v. Ohio, United States Supreme Court (392 U.S. 1968) - This case deals with the legal aspects on whether police can detain a person and subject him to a limited search for weapons without probable cause for arrest.

The court found when a police officer observes unusual conduct which leads him or her to reasonably suspect criminal activity may be occurring and that the persons with whom he is dealing may be armed and presently dangerous, the officer can approach and briefly detain the subjects for the purpose of conducting a limited investigation, including a limited search of the outer clothing for weapons.